

## Layne Hilton

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**From:** Jessica Heinz <JHeinz@c-wlaw.com>  
**Sent:** Friday, January 24, 2020 9:56 AM  
**To:** Layne Hilton  
**Cc:** 'valpec@kirtlandpackard.com'; 'Goldberg, Seth A.'; 'Waleko, Alexandra'; 'JPriselac@duanemorris.com'; 'CohenL@gtlaw.com'; 'rubensteinb@gtlaw.com'; 'harkinss@gtlaw.com'; 'CCT@pietragallo.com'; 'JMR@pietragallo.com'; 'Nagle, Brittney <bee.nagle@kirkland.com> (bee.nagle@kirkland.com)'; 'alexia.brancato@kirkland.com'; 'BASchwartz@duanemorris.com'; 'rblanton@hkmpp.com'; 'Poletto, Janet L.'; 'Megan.Grossman@lewisbrisbois.com'; 'Andy Albero (Andrew.Albero@lewisbrisbois.com)'; 'Frank H. Stoy'; 'dlesli.davis@nortonrosefulbright.com'; 'AKaplan@crowell.com'; 'Johnston, Sarah'; 'Knepper, Matt <Matt.Knepper@huschblackwell.com> (Matt.Knepper@huschblackwell.com)'  
**Subject:** RE: In re Valsartan (Aurobindo Pill Preservation)

Layne,

I have confirmed with my clients that no recalled products have been destroyed.

Sincerely,  
Jessica

JESSICA M. HEINZ | Partner

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**From:** Layne Hilton <l.hilton@kanner-law.com>  
**Sent:** Thursday, January 23, 2020 7:59 PM  
**To:** Jessica Heinz <JHeinz@c-wlaw.com>  
**Cc:** 'valpec@kirtlandpackard.com' <valpec@kirtlandpackard.com>; 'Goldberg, Seth A.' <SAGoldberg@duanemorris.com>; 'Waleko, Alexandra' <AWaleko@duanemorris.com>; 'JPriselac@duanemorris.com' <JPriselac@duanemorris.com>; 'CohenL@gtlaw.com' <CohenL@gtlaw.com>; 'rubensteinb@gtlaw.com' <rubensteinb@gtlaw.com>; 'harkinss@gtlaw.com' <harkinss@gtlaw.com>; 'CCT@pietragallo.com' <CCT@pietragallo.com>; 'JMR@pietragallo.com' <JMR@pietragallo.com>; 'Nagle, Brittney <bee.nagle@kirkland.com> (bee.nagle@kirkland.com)' <bee.nagle@kirkland.com>; 'alexia.brancato@kirkland.com' <alexia.brancato@kirkland.com>; 'BASchwartz@duanemorris.com' <BASchwartz@duanemorris.com>;

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**Subject:** In re Valsartan (Aurobindo Pill Preservation)

Counsel:

We write further to Plaintiffs' request for recalled pill preservation.

Plaintiffs seek confirmation about whether Aurobindo has destroyed any recalled product that was returned to it by its consignees pursuant to the FDA recall, or already located in Aurobindo's possession at the time of the recall.

As of January 3, 2020, Aurobindo stated it has received 87,135 units of recalled product from consignees. *See* Auro-MDL 2875-0079242. It remains unclear whether any of these recalled units have been destroyed. Aurobindo indicated on March 12, 2019, that it intended to destroy product "after obtaining confirmation from the FDA." *See* Auro-MDL 2875-0021308. However, no such confirmation was produced in core discovery.

Consequently, Plaintiffs request confirmation that either a) no recalled products have been destroyed as of today, January 23, 2020, or b) Aurobindo has destroyed some quantity of recalled product in its possession, custody or control.

If Aurobindo did, indeed, destroy any number of the recalled bottles in Aurobindo's possession, custody or control, Plaintiffs further request a date certain by which Aurobindo will produce documents sufficient to identify the following: lot, batch, NDC number, destruction date and witnesses to that destruction for all destroyed product, as well as documents sufficient to show the lot, batch, and NDC code of the undestroyed product currently in Aurobindo's possession, or in the possession of consignees such as, but not limited to, Defendants McKesson, AmerisourceBergen and Cardinal and others.

Please provide the above information by close of business on Monday, January 27, 2020.

Best,

Layne

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